

## DEPARTMENT OF TRANSPORTATION

**M e m o r a n d u m**

**To:** DISTRICT DIRECTORS  
SENIOR ENGINEERS  
RESIDENT ENGINEERS  
DISTRICT CONSTRUCTION STORM WATER COORDINATORS  
NPDES COORDINATORS

**Date:** March 22, 2003

**From:** ROBERT PIEFLOW   
Chief  
Division of Construction

**File:** Division of Construction  
CPD 03-6

**Subject:** Convert Water Pollution Control Program To Storm Water Pollution Prevention Plan For Projects With Disturbed Area Greater Than 0.405 Hectare

This Construction Program Directive (CPD) requires a Storm Water Pollution Prevention Plan (SWPPP) to be prepared following the checklist of the attached Contract Change Order (CCO) for any project with current or future planned disturbed soil area greater than 0.405 hectare (1 acre).

The National Pollution Discharge Elimination's (NPDES) general permit for Construction activities (Construction General Permit) was recently modified by the State Water Resources Control Board (SWRCB) order 99-08 DWQ to comply with United States Environmental Protection Agency Phase 2 Storm Water Management Requirements. Phase II reduces the disturbed soil area for construction activities from 2 hectare (5 acres) to 0.405 hectare (1 acre). Therefore, on-going projects, that meet the new Disturbed Area Greater (DSA) requirement must file an Notice of Construction, produce a SWPPP and implement the SWPPP.

Fortunately, all California Department of Transportation (Department) construction projects require a WPCP and implementation of temporary construction storm water Best Management Practices (BMPs). The major permit requirements lacking in the WPCP are expected to be the conversion of the WPCP to a SWPPP, inclusion of water quality sampling and analysis provisions, and implementation of BMPs at offsite contractor yards. Headquarters Construction Storm Water is analyzing the permit and guidance manuals to identify additional requirements.

Resident Engineers are encouraged to utilize the assistance of the District Construction Storm Water Coordinator and Headquarters Construction Storm Water Coordinators (CSWCs) to identify project specific modifications required to upgrade WPCP projects to a SWPPP as required by the modified General Construction Permit.

A contract change order (CCO) will be required to compensate the contractor for additional work required to comply with this CPD. Under the CCO, the Resident Engineer shall only authorize and pay for SWPPP activities that exceed the requirements of work covered under Section 7-1.01G "WATER POLLUTION" of the Standard Specifications and those requirements of the contract special provisions. For new projects that do not include revised contract special provisions to implement Phase 2 General Construction Permit Requirements, the CCO should eliminate preparation of the WPCP, require only the preparation of a SWPPP, and credit the State for WPCP costs originally included in the Contractor's bid. A CCO will not be required if the disturbed soil activities are complete, permanent erosion control has been installed, and permanent BMP work was completed by March 10, 2003. This CCO does not require Federal Highway Administration (FHWA) approval, since there is a prior blanket approval for all SWPPP related CCOs dated October 10, 2000. Preparation and approval of the CCO shall be conducted in the accordance with established requirements and procedures required by the *Construction Manual* and District policies. Sample CCO, memorandum, and lump sum item adjustment table are attached to this Construction Practice Directive (CPD).

This CPD does not supersede local requirements, consent decrees, or other court orders. Each district construction contract may require additional items beyond the requirements of the permits.

All Districts shall implement the requirements of this CPD and issue a Notice of Construction to the applicable Regional Water Quality Control Board as soon as possible since Phase 2 requirements are in effect as of March 10, 2003.

If you have questions or concerns, please email or call your CSWC or Kenny Eickelberg at (916) 653-2048.

Attachments